

**2001 DRAFTING REQUEST****Senate Amendment (SA-SB55)**Received: **06/05/2001**Received By: **rryan**Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Onsager**This file may be shown to any legislator: **NO**Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous  
Justice - criminal**Extra Copies: **MGD**Submit via email: **NO**

Requester's email:

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**Pre Topic:**

LFB:.....Onsager -

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**Topic:**

Penalty assessment

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rryan 06/08/2001	jdyer 06/08/2001	jfrantze 06/08/2001	_____	lrb_docadmin 06/08/2001		
/2	rryan 06/10/2001	csicilia 06/10/2001	haugca 06/10/2001	_____	lrb_docadmin 06/10/2001		

06/10/2001 03:31:56 PM

Page 2

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Page 1

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/1	rryan 06/08/2001	jdyer 06/08/2001	jfrantze 06/08/2001	<del>CH</del> 6-10 K5	lrb_docadmin 06/08/2001		

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1?	rryan	1 6/8 jld	6/6/8	6/6/8			

FE Sent For:

&lt;END&gt;

Representative Huber  
Representative Kaufert  
Senator Plache

ADMINISTRATION -- OFFICE OF JUSTICE ASSISTANCE/JUSTICE

Penalty Assessment and Law Enforcement Training Fund Assessment

[LFB Paper #191]

Motion:

Move to delete the Governor's recommendation. Instead,

a. Increase the penalty assessment surcharge from 23% to 24% of a total fine or forfeiture to first take effect and apply to assessments imposed on the effective date of the bill. Further, provide that the penalty assessment revenues be distributed with 13% of the fine or forfeiture deposited to OJA and 11% of the fine and forfeiture deposited to the Department of Justice's law enforcement training fund.

b. Provide that \$51,000 PR annually appropriated to the Bureau of Justice Information Systems (BJIS) be provided from justice information system fee revenues rather than penalty assessment revenues; *just schedule change*

c. Reestimate the amount of GPR-Earned to be deposited to the general fund associated with \$1 of justice information fee revenues by \$83,200 in 2001-02 and \$112,200 in 2002-03;.

d. Transfer 85% of the unencumbered balances on June 30, 2001, of OJA's anti-drug enforcement program, penalty assessment--state, local and administration appropriations; DPI's aid for alcohol and other drug abuse programs appropriation; and DOC's victim services and programs appropriation to OJA's penalty assessment receipts appropriation;

e. Transfer to the general fund as GPR-Earned \$875,200 from OJA's penalty assessment receipts appropriation in 2001-02.

f. Provide \$219,000 PR in 2001-02 in penalty assessment revenues to create a grant program in the Department of Justice (DOJ) to fund the purchase by local law enforcement agencies of automated fingerprint identification system (AFIS) workstations. Direct DOJ to create criteria and procedures for use in administering the AFIS grant program. Provide that grant funds may only be used by local law enforcement agencies to purchase AFIS workstations and to cover the initial costs of installing a Badgernet line for the workstation. Require local law enforcement agencies to enter into agreements with the Department of Justice which would define the duties and obligations of both DOJ and the local law enforcement agencies regarding the use of AFIS

workstations and local access to the state AFIS and criminal records databases. Create a program revenue-service appropriation in DOJ to receive the funds and specify that the appropriation's funds be used for the AFIS workstation grant program.

[Change to Bill: \$1,070,600 GPR-Earned]



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb0627/1

RLR:.....

LPS - Fix  
request sheet

In 6/8/01

D-Note

LFB:.....Onsager - penalty assessment

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 1. Page 554, line 11: delete lines 11 to 19. ✓

3 2. Page 555, line 25: after that line insert:

4 "SECTION 770n. 20.455 (2) (kh) of the statutes is created to read: ✓ X

5 20.455 (2) (kh) Automated fingerprint information system grants. The identification I

6 amounts in the schedule for grants to local law enforcement agencies under 2001

7 Wisconsin Act .... (this act), section 9131 (2a), for automated fingerprint information identification

8 system workstations and for installation of Badgernet lines. All moneys transferred

9 from the appropriation account under s. 20.505 (6) (j) 16. shall be credited to this

10 appropriation account.

1           **SECTION 770p.** 20.455 (2) (kh)<sup>X</sup> of the statutes, as created by 2001 Wisconsin Act  
2       .... (this act), is repealed.”.

3           **3.** Page 569, line 24: delete the material beginning with that line and ending  
4       with page 570, line 6, and substitute:

5           “**SECTION 852n.** 20.505 (6) (j) (intro.)<sup>X</sup> of the statutes is amended to read:

6       <sup>g</sup>20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys  
7       received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines  
8       and forfeitures and all moneys transferred under ~~1999 Wisconsin Act 9, sections~~  
9       ~~9201 (2m), (2n) and (2p), 9211 (2g), 9230 (1), (2m) and (3m), 9238 (1h) and 9239 (1h)~~  
10      ~~and (2h)~~ 2001 Wisconsin Act .... (this act), sections 9201 (6)<sup>C</sup> (a), (b), and (c), 9211 (2)<sup>C</sup>,  
11      and 9240 (1)<sup>C</sup>, for the purpose of transferring the following amounts to the following  
12      appropriation accounts.”<sup>✓</sup>

13           **4.** Page 570, line 11: after that line insert:

14           “**SECTION 855n.** 20.505 (6) (j) 16.<sup>X</sup> of the statutes is created to read:

15           20.505 (6) (j) 16. The amount transferred to s. 20.455 (2) (kh)<sup>✓</sup> shall be the  
16      amount in the schedule under s. 20.455 (2) (kh).<sup>✓</sup>

17           **SECTION 885p.** 20.505 (6) (j) 16.<sup>X</sup> of the statutes, as created by 2001 Wisconsin  
18      Act 2001 Wisconsin Act .... (this act), is repealed.”<sup>✓</sup>

19           **5.** Page 625, line 5: delete the material beginning with that line and ending  
20      with page 636, line 6.<sup>✓</sup>

21           **6.** Page 769, line 11: delete lines 11 to 14.<sup>✓</sup>

22           **7.** Page 896, line 6: delete the material beginning with “the amounts” and  
23      ending with “assessment.” on line 7.<sup>✓</sup>



1           **8.** Page 897, line 13: delete the material beginning with “the amounts” and  
2           ending with “assessment,” on line 14. ✓

3 <sup>Fix</sup>  
3 component **9.** Page 901, line 5: delete the material beginning with “a” and ending with  
4           “165.87 (1),” on line 6. ✓ and substitute “757.05,”

5           **10.** Page 901, line 18: delete the material beginning with “the law” and ending  
6           with “165.87 (1),” on line 19. ✓

7           **11.** Page 902, line 1: delete the material beginning with “the law” and ending  
8           with “165.87 (1),” on line 2. ✓

9 <sup>Fix</sup>  
9 component **12.** Page 902, line 16: delete the material beginning with “law” and ending  
10           with “assessment,” ✓

11           **13.** Page 902, line 25: delete the material beginning with “the law” and ending  
12           with “165.87 (1),” on page 903, line 1. ✓

13           **14.** Page 903, line 12: delete the material beginning with “the law” and ending  
14           with “165.87 (1),” on line 13. ✓

15           **15.** Page 904, line 1: delete the material beginning with “a law” and ending  
16           with “<sup>fund</sup>assessment,” on line 2. ✓

17 <sup>Fix</sup>  
17 component **16.** Page 904, line 6: delete the material beginning with “law” and ending with  
18           “assessment,” ✓

19 <sup>Fix</sup>  
19 component **17.** Page 904, line 13: delete the material beginning with “law” and ending  
20           with “assessment,” ✓

21 <sup>Fix</sup>  
21 component **18.** Page 904, line 23: delete the material beginning with “law” and ending  
22           with “assessment,” ✓

enforcement training fund  
assessment

enforcement training fund assessments

1 <sup>Fix</sup>  
2 component 19. Page 905, line 5: delete the material beginning with "law" and ending with  
3 ~~assessments~~

4 20. Page 905, line 11: delete the material beginning with "law" and ending  
5 with <sup>training</sup> "assessment," on line 12.

6 21. Page 906, line 1: delete the material beginning with "the law" and ending  
7 with "165.87 (1)," on line 2.

8 <sup>Fix</sup>  
9 component 22. Page 906, line 17: delete the material beginning with "the" and ending  
10 with "165.87 (1)," on line 18. and substitute "757.05,"

11 23. Page 1086, line 23: delete the material beginning with that line and  
12 ending with page 1091, line 17.

13 24. Page <sup>Δ</sup>1332, line 15: delete the material beginning with that line and ending  
14 with page 1333, line 14.

15 25. Page 1548, line 8: delete the material beginning with that line and ending  
16 with page 1555, line 15.

17 <sup>Fix</sup>  
18 component 26. Page 1556, line 10: delete the material beginning with "law" and ending  
19 with ~~assessments~~

20 27. Page 1628, line 6: delete "13%" and substitute "24%".

21 28. Page 1629, line 4: delete lines 4 to 19 and substitute:

22 "SECTION 3777n. 757.05 (2) (a) of the statutes is amended to read:

23 757.05 (2) (a) *Law enforcement training fund. Twenty seven fifty fiftes*

*Eleven twenty-fourths* of all moneys collected from penalty assessments under sub.

(1) shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized

in accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the

enforcement training fund assessment,

- 1 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
2 20.455 (2) (jb), constitute the law enforcement training fund.”.

History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672.

- 3 **29.** Page 1636, line 15: delete the material beginning with “the law” and  
4 ending with “165.87 (1).” on line 16. ✓

- 5 <sup>Fix</sup> component **30.** Page 1636, line 24: delete the material beginning with “law” and ending  
6 with “assessment”.

- 7 **31.** Page 1637, line 9: delete the material beginning with “the law” and ending  
8 with “165.87 (1).” on line 10. ✓

- 9 <sup>Fix</sup> component **32.** Page 1637, line 19: delete <sup>that line and substitute “s. 757.05, the”.</sup> the material beginning with “the law” and  
10 ending with “165.87 (1).”.

- 11 **33.** Page 1638, line 8: delete the material beginning with “the law” and ending  
12 with “165.87 (1).” on line 9. ✓

- 13 **34.** Page 1638, line 16: delete the material beginning with “the law” and  
14 ending with “165.87 (1).” on line 17. ✓

- 15 **35.** Page 1639, line 4: delete the material beginning with “Law” and ending  
16 with “165.87 (1).” on line 5. ✓

- 17 **36.** Page 1639, line 18: delete the material beginning with “Law” and ending  
18 with “165.87 (1).” on line 20. ✓

- 19 **37.** Page 1640, line 9: delete the material beginning with “the law” and ending  
20 with “165.87 (1).” on line 10. ✓

- 21 **38.** Page 1640, line 19: delete the material beginning with that line and  
22 ending with page 1647, line 5. ✓

1       **39.** Page 1647, line 9: delete the material beginning with "law" and ending  
2       with "fund ~~assessment,~~" on line 10.

3       **40.** Page 1647, line 21: delete the material beginning with "the law" and  
4       ending with "fund ~~assessment,~~" on line 22.

5       **41.** Page 1648, line 5: delete the material beginning with "any law" and ending  
6       with "165.87 (1)," on line 6. ✓

7       **42.** Page 1648, line 19: delete the material beginning with "any law" and  
8       ending with "165.87 (1)," on line 20. ✓

9       **43.** Page 1649, line 11: delete the material beginning with "a law" and ending  
10      with "165.87 (1)," on line 12. ✓

11      **44.** Page 1650, line 3: delete the material beginning with "the law" and ending  
12      with "165.87 (1)," on line 4. ✓

13      **45.** Page 1650, line 17: delete the material beginning with "the law" and  
14      ending with "fund ~~assessment,~~" on line 18.

15      Fix Component **46.** Page 1651, line 7: delete the material beginning with "the" and ending  
16      with "fund ~~assessment,~~" on line 8. and substitute "assessment,"

17      Fix Component **47.** Page 1651, line 13: delete the material beginning with "the law" and  
18      ending with "assessment," on line 14. and substitute "the jail"

19      **48.** Page 1651, line 22: delete the material beginning with "law" and ending  
20      with "fund ~~assessments,~~" on line 23. enforcement training fund assessments,

21      Fix Component **49.** Page 1652, line 5: delete the material beginning with "law" and ending  
22      with "assessments,"

1. **50.** Page 1652, line 14: delete the material beginning with "law" and ending  
2 with "165.87 (1)," on line 15. ✓
- 3 **51.** Page 1653, line 14: delete lines 14 to 16. ✓
- 4 **52.** Page 1653, line 20: delete lines 20 to 22. ✓
- 5 **53.** Page 1673, line 3: delete lines 3 to 12. ✓
- 6 **54.** Page 1678, line 8: delete lines 8 to 13. ✓
- 7 **55.** Page 1705, line 15: delete lines 15 to 19. ✓
- 8 **56.** Page 1711, line 9: delete <sup>that line and substitute "757.05, the".</sup> the material beginning with "the law" and ending  
9 with "165.87 (1)". assessment,
- 10 **57.** Page 1711, line 24: delete the material beginning with "the" and ending  
11 with "fund" on line 25 and substitute "assessment,"
- 12 **58.** Page 1712, line 12: delete the material beginning with "the" and ending  
13 with "fund" on line 13 and substitute "assessment,"
- 14 **59.** Page 1712, line 24: delete the material beginning with "shall then" and  
15 ending with "in full," on line 25. ✓
- 16 **60.** Page 1714, line 2: delete the material beginning with "law" and ending  
17 with "fund" on line 3. enforcement training fund assessment,
- 18 **61.** Page 1714, line 14: delete the material beginning with "law" and ending  
19 with "assessment".
- 20 **62.** Page 1753, line 9: after that line insert:
- 21 <sup>C</sup>  
22 "(2a) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM GRANT. ✓ The department of  
23 justice may award automated fingerprint identification system grants to local law  
enforcement agencies in fiscal year 2001–02 from the appropriation under section

1 20.455 (2) (kh) of the statutes. Local law enforcement agencies may use funds  
2 awarded under this subsection only for the purchase of automated fingerprint  
3 identification system workstations or to cover the cost of installing Badgernet lines  
4 for workstations. Each local law enforcement agency that receives a grant under this  
5 subsection shall enter into an agreement with the department of justice regarding  
6 the duties and obligations of the agency and of the department with respect to use  
7 of, and access to, the state automated fingerprint identification system and to other  
8 criminal records databases. The department of justice shall establish grant  
9 eligibility standards and procedures for administering the grant program under this  
10 subsection."

11 **63.** Page 1786, line 2: after that line insert:

12 <sup>C</sup>  
"(6~~A~~) ANTI-DRUG ENFORCEMENT PROGRAM.

13 (a) In fiscal year 2001-02, immediately before the transfer under section  
14 20.505 (6) (j) 13. of the statutes to section 20.505 (6) (k) of the statutes, there is  
15 transferred from the appropriation account under section 20.505 (6) (k) of the  
16 statutes to the appropriation account under section 20.505 (6) (j) of the statutes an  
17 amount equal to 85% of the unencumbered balance in the appropriation account  
18 under section 20.505 (6) (k) of the statutes on June 30, 2001.

19 (b) In fiscal year 2001-02, immediately before the transfer under section  
20 20.505 (6) (j) 3. of the statutes to section 20.505 (6) (kp) of the statutes, as affected  
21 by this act, there is transferred from the appropriation account under section 20.505  
22 (6) (kp) of the statutes to the appropriation account under section 20.505 (6) (j) of the  
23 statutes an amount equal to 85% of the unencumbered balance in the appropriation  
24 account under section 20.505 (6) (kp) of the statutes on June 30, 2001.

(c) In fiscal year 2001–02, immediately before the transfer under section 20.505 (6) (j) 14. of the statutes to section 20.505 (6) (kt) of the statutes, there is transferred from the appropriation account under section 20.505 (6) (kt) of the statutes to the appropriation account under section 20.505 (6) (j) of the statutes an amount equal to 85% of the unencumbered balance in the appropriation account under section 20.505 (6) (kt) <sup>of the statutes</sup> on June 30, 2001.

<sup>6d</sup> (7) OFFICE OF JUSTICE ASSISTANCE PENALTY ASSESSMENT MONEYS. There is transferred from the appropriation account under section 20.505 (6) (j) of the statutes to the general fund \$875,200 in fiscal year 2001–02.”.

**64.** Page 1788, line 16: after that line insert:

<sup>C</sup>“(2) VICTIM SERVICES AND PROGRAMS. In fiscal year 2001–02, immediately before the transfer under section 20.505 (6) (j) 5m. of the statutes to section 20.410 (1) (kh) of the statutes, there is transferred from the appropriation account under section 20.410 (1) (kh) of the statutes to the appropriation account under section 20.505 (6) (j) of the statutes an amount equal to 85% of the unencumbered balance in the appropriation account under section 20.410 (1) (kh) <sup>of the statutes</sup> on June 30, 2001.”.

**65.** Page 1791, line 7: after that line insert:

<sup>C</sup>“(1) ALCOHOL AND OTHER DRUG ABUSE PROGRAMS. In fiscal year 2001–02, immediately before the transfer under section 20.505 (6) (j) 4. of the statutes to section 20.255 (1) (kd) of the statutes, there is transferred from the appropriation account under section 20.255 (2) (kd) of the statutes to the appropriation account under section 20.505 (6) (j) of the statutes an amount equal to 85% of the unencumbered balance in the appropriation account under section 20.255 (1) (kd) <sup>of the statutes</sup> on June 30, 2001.”.

**66.** Page 1814, line 11: delete the material beginning with that line and ending with page 1815, line 3, and substitute:

“(4) **PENALTY ASSESSMENT.** The treatment of sections 757.05 (1) (a) and (2) (a) of the statutes first applies to penalty assessments imposed on the effective date of this subsection.”.

**67.** Page 1822, line 7: after that line insert:

"(1~~x~~) AUTOMATED FINGERPRINT INFORMATION SYSTEM GRANTS. The treatment of sections 20.455 (2) (kh) (by Section 770p) and 20.505 (6) (j) 16. (by Section 885p) of the statutes take<sup>s</sup> effect on July 1, 2002."

**(END)**



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb0627/1dn

RLR:.....

JLD

date

Paul Onsager:

Applying the increase in the penalty assessment to fines and forfeiture for violations that occur before the effective date of the budget act<sup>✓</sup> may constitute a violation of the ex post facto clause. I have not found any Wisconsin cases that address this issue. However, an Illinois appeals court did address a similar question and found that the application of an amended penalty assessment to a violation that took place before the effective date of the amendment was an ex post facto law. *State v. Timmons*, 114 Ill. App. 3d 861, 449 N.E.2d 1366 (1983).

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb0627/1dn  
RLR:jld:jf

June 8, 2001

Paul Onsager:

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Robin Ryan  
Legislative Attorney  
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In 6/10/02

RmR

LFB:.....Onsager – Penalty assessment

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

4/5

**LFB AMENDMENT**

**TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144**

1 At the locations indicated, amend the bill as follows:

2 1. Page 554, line 11: delete lines 11 to 19.

3 2. Page 555, line 25: after that line insert:

4 "SECTION 770n. 20.455 (2) (kh) of the statutes is created to read:

5 20.455 (2) (kh) *Automated fingerprint identification system grants.* The  
6 amounts in the schedule for grants to local law enforcement agencies under 2001  
7 Wisconsin Act .... (this act), section 9131 (2c), for automated fingerprint  
8 identification system work stations and for installation of Badgernet lines. All  
9 moneys transferred from the appropriation account under s. 20.505 (6) (j) 16. shall  
10 be credited to this appropriation account.

1       **SECTION 770p.** 20.455 (2) (kh) of the statutes, as created by 2001 Wisconsin Act  
2       .... (this act), is repealed.”.

3       **3.** Page 569, line 24: delete the material beginning with that line and ending  
4       with page 570, line 6, and substitute:

5       **“SECTION 852n.** 20.505 (6) (j) (intro.) of the statutes is amended to read:

6       20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys  
7       received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines  
8       and forfeitures and all moneys transferred under ~~1999 Wisconsin Act 9, sections~~  
9       ~~9201 (2m), (2n) and (2p), 9211 (2g), 9230 (1), (2m) and (3m), 9238 (1h) and 9239 (1h)~~  
10      ~~and (2h)~~ 2001 Wisconsin Act .... (this act), sections 9201 (6c) (a), (b), and (c), 9211 (2c),  
11      and 9240 (1c), for the purpose of transferring the following amounts to the following  
12      appropriation accounts:”.

13      **4.** Page 570, line 11: after that line insert:

14      **“SECTION 855n.** 20.505 (6) (j) 16. of the statutes is created to read:

15      20.505 (6) (j) 16. The amount transferred to s. 20.455 (2) (kh) shall be the  
16      amount in the schedule under s. 20.455 (2) (kh).

17      **SECTION 885p.** 20.505 (6) (j) 16. of the statutes, as created by 2001 Wisconsin  
18      Act 2001 Wisconsin Act .... (this act), is repealed.”.

19      **5.** Page 625, line 5: delete the material beginning with that line and ending  
20      with page 636, line 6.

21      **6.** Page 769, line 11: delete lines 11 to 14.

22      **7.** Page 896, line 6: delete the material beginning with “the amounts” and  
23      ending with “assessment.” on line 7.

1           **8.** Page 897, line 13: delete the material beginning with “the amounts” and  
2 ending with “assessment,” on line 14.

3           **9.** Page 901, line 5: delete the material beginning with “757.05, a” and ending  
4 with “165.87 (1),” on line 6 and substitute “757.05.”.

5           **10.** Page 901, line 18: delete the material beginning with “the law” and ending  
6 with “165.87 (1),” on line 19.

7           **11.** Page 902, line 1: delete the material beginning with “the law” and ending  
8 with “165.87 (1),” on line 2.

9           **12.** Page 902, line 16: delete “law enforcement training fund assessment,”.

10          **13.** Page 902, line 25: delete the material beginning with “the law” and ending  
11 with “165.87 (1),” on page 903, line 1.

12          **14.** Page 903, line 12: delete the material beginning with “the law” and ending  
13 with “165.87 (1),” on line 13.

14          **15.** Page 904, line 1: delete the material beginning with “a law” and ending  
15 with “fund assessment,” on line 2.

16          **16.** Page 904, line 6: delete “law enforcement training fund assessment,”.

17          **17.** Page 904, line 13: delete “law enforcement training fund assessment,”.

18          **18.** Page 904, line 23: delete “law enforcement training fund assessment,”.

19          **19.** Page 905, line 5: delete “law enforcement training fund assessment,”.

20          **20.** Page 905, line 11: delete the material beginning with “law” and ending  
21 with “training assessment,” on line 12.

1           **21.** Page 906, line 1: delete the material beginning with "the law" and ending  
2 with "165.87 (1)," on line 2.

3           **22.** Page 906, line 17: delete the material beginning with "~~757.05~~, the" and  
4 ending with "165.87 (1)," on line 18 and substitute "757.05,". ✓  
757.05  
^

5           **23.** Page 1086, line 23: delete the material beginning with that line and  
6 ending with page 1091, line 17.

7           **24.** Page 1332, line 15: delete the material beginning with that line and  
8 ending with page 1333, line 14.

9           **25.** Page 1548, line 8: delete the material beginning with that line and ending  
10 with page 1555, line 15.

11           **26.** Page 1556, line 10: delete "law enforcement training fund assessment,".

12           **27.** Page 1628, line 6: delete "13%" and substitute "24%".

13           **28.** Page 1629, line 4: delete lines 4 to 19 and substitute:

14           "SECTION 3777n. 757.05 (2) (a) of the statutes is amended to read:

15           757.05 (2) (a) *Law enforcement training fund.* ~~Twenty-seven fifty-fifths~~  
16 ~~Eleven twenty-fourths~~ of all moneys collected from penalty assessments under sub.  
17 (1) shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized  
18 in accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the  
19 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
20 20.455 (2) (jb), constitute the law enforcement training fund."

21           **29.** Page 1636, line 15: delete the material beginning with "the law" and  
22 ending with "165.87 (1)," on line 16.

23           **30.** Page 1636, line 24: delete "law enforcement training fund assessment,".

1           **31.** Page 1637, line 9: delete the material beginning with “the law” and ending  
2 with “165.87 (1).” on line 10.

3           **32.** Page 1637, line 19: delete that line and substitute “s.757.05, the”.

4           **33.** Page 1638, line 8: delete the material beginning with “the law” and ending  
5 with “165.87 (1).” on line 9.

6           **34.** Page 1638, line 16: delete the material beginning with “the law” and  
7 ending with “165.87 (1).” on line 17.

8           **35.** Page 1639, line 4: delete the material beginning with “Law” and ending  
9 with “165.87 (1).” on line 5.

10           **36.** Page 1639, line 18: delete the material beginning with “Law” and ending  
11 with “165.87 (1).” on line 20.

12           **37.** Page 1640, line 9: delete the material beginning with “the law” and ending  
13 with “165.87 (1).” on line 10.

14           **38.** Page 1640, line 19: delete the material beginning with that line and  
15 ending with page 1647, line 5.

16           **39.** Page 1647, line 9: delete the material beginning with “law” and ending  
17 with “fund assessment.” on line 10.

18           **40.** Page 1647, line 21: delete the material beginning with “the law” and  
19 ending with “fund assessment.” on line 22.

20           **41.** Page 1648, line 5: delete the material beginning with “any law” and ending  
21 with “165.87 (1).” on line 6.

22           **42.** Page 1648, line 19: delete the material beginning with “any law” and  
23 ending with “165.87 (1).” on line 20.

1           **43.** Page 1649, line 11: delete the material beginning with "a law" and ending  
2 with "165.87 (1)," on line 12.

3           **44.** Page 1650, line 3: delete the material beginning with "the law" and ending  
4 with "165.87 (1)," on line 4.

5           **45.** Page 1650, line 17: delete the material beginning with "the law" and  
6 ending with "fund assessment," on line 18.

7           **46.** Page 1651, line 7: delete the material beginning with "assessment, the"  
8 and ending with "fund assessment," on line 8 and substitute "assessment,".

9           **47.** Page 1651, line 13: delete the material beginning with "the law" and  
10 ending with "assessment, the jail" on line 14, and substitute "the jail".

11           **48.** Page 1651, line 22: delete the material beginning with "law" and ending  
12 with "fund assessments," on line 23.

13           **49.** Page 1652, line 5: delete "law enforcement training fund assessment". S ✓

14           **50.** Page 1652, line 14: delete the material beginning with "law" and ending  
15 with "165.87 (1)," on line 15.

16           **51.** Page 1653, line 14: delete lines 14 to 16.

17           **52.** Page 1653, line 20: delete lines 20 to 22.

18           **53.** Page 1673, line 3: delete lines 3 to 12.

19           **54.** Page 1678, line 8: delete lines 8 to 13.

20           **55.** Page 1705, line 15: delete lines 15 to 19.

21           **56.** Page 1711, line 9: delete that line and substitute "757.05, the".



1           **57.** Page 1711, line 24: delete the material beginning with “assessment, the”  
2           and ending with “fund assessment,” on line 25 and substitute “assessment,”.

3           **58.** Page 1712, line 12: delete the material beginning with “assessment, the”  
4           and ending with “fund assessment,” on line 13 and substitute “assessment,”.

5           **59.** Page 1712, line 24: delete the material beginning with “shall then” and  
6           ending with “in full,” on line 25.

7           **60.** Page 1714, line 2: delete the material beginning with “law” and ending  
8           with “fund assessment,” on line 3.

9           **61.** Page 1714, line 14: delete “law enforcement training fund assessment,”.

10          **62.** Page 1753, line 9: after that line insert:

11          “(2c) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM GRANT. The department of  
12          justice may award automated fingerprint identification system grants to local law  
13          enforcement agencies in fiscal year 2001–02 from the appropriation under section  
14          20.455 (2) (kh) of the statutes. Local law enforcement agencies may use funds  
15          awarded under this subsection only for the purchase of automated fingerprint  
16          identification system work stations or to cover the cost of installing Badgernet lines  
17          for work stations. Each local law enforcement agency that receives a grant under  
18          this subsection shall enter into an agreement with the department of justice  
19          regarding the duties and obligations of the agency and of the department with  
20          respect to use of, and access to, the state automated fingerprint identification system  
21          and to other criminal records databases. The department of justice shall establish  
22          grant eligibility standards and procedures for administering the grant program  
23          under this subsection.”.

24          **63.** Page 1786, line 2: after that line insert:

use of automated fingerprint identification  
system work stations and regarding

1           “(6c) ANTI-DRUG ENFORCEMENT PROGRAM.

2           (a) In fiscal year 2001–02, immediately before the transfer under section  
3 20.505 (6) (j) 13. of the statutes to section 20.505 (6) (k) of the statutes, there is  
4 transferred from the appropriation account under section 20.505 (6) (k) of the  
5 statutes to the appropriation account under section 20.505 (6) (j) of the statutes an  
6 amount equal to 85% of the unencumbered balance in the appropriation account  
7 under section 20.505 (6) (k) of the statutes on June 30, 2001.

8           (b) In fiscal year 2001–02, immediately before the transfer under section  
9 20.505 (6) (j) 3. of the statutes to section 20.505 (6) (kp) of the statutes, as affected  
10 by this act, there is transferred from the appropriation account under section 20.505  
11 (6) (kp) of the statutes to the appropriation account under section 20.505 (6) (j) of the  
12 statutes an amount equal to 85% of the unencumbered balance in the appropriation  
13 account under section 20.505 (6) (kp) of the statutes on June 30, 2001.

14           (c) In fiscal year 2001–02, immediately before the transfer under section 20.505  
15 (6) (j) 14. of the statutes to section 20.505 (6) (kt) of the statutes, there is transferred  
16 from the appropriation account under section 20.505 (6) (kt) of the statutes to the  
17 appropriation account under section 20.505 (6) (j) of the statutes an amount equal  
18 to 85% of the unencumbered balance in the appropriation account under section  
19 20.505 (6) (kt) of the statutes on June 30, 2001.

20           (6d) OFFICE OF JUSTICE ASSISTANCE PENALTY ASSESSMENT MONEYS. There is  
21 transferred from the appropriation account under section 20.505 (6) (j) of the statutes  
22 to the general fund \$875,200 in fiscal year 2001–02.”.

23           **64.** Page 1788, line 16: after that line insert:

1           “(2c) VICTIM SERVICES AND PROGRAMS. In fiscal year 2001–02, immediately before  
2 the transfer under section 20.505 (6) (j) 5m. of the statutes to section 20.410 (1) (kh)  
3 of the statutes, there is transferred from the appropriation account under section  
4 20.410 (1) (kh) of the statutes to the appropriation account under section 20.505 (6)  
5 (j) of the statutes an amount equal to 85% of the unencumbered balance in the  
6 appropriation account under section 20.410 (1) (kh) of the statutes on June 30,  
7 2001.”.

8           **65.** Page 1791, line 7: after that line insert:

9           “(1c) ALCOHOL AND OTHER DRUG ABUSE PROGRAMS. In fiscal year 2001–02,  
10 immediately before the transfer under section 20.505 (6) (j) ~~5~~<sup>5</sup> of the statutes to  
11 section 20.255 ~~(1)~~<sup>(2)</sup> (kd) of the statutes, there is transferred from the appropriation  
12 account under section 20.255 (2) (kd) of the statutes to the appropriation account  
13 under section 20.505 (6) (j) of the statutes an amount equal to 85% of the  
14 unencumbered balance in the appropriation account under section 20.255 ~~(1)~~<sup>(2)</sup> (kd) of  
15 the statutes on June 30, 2001.”.

16           **66.** Page 1814, line 11: delete the material beginning with that line and  
17 ending with page 1815, line 3, and substitute:

18           “(4c) PENALTY ASSESSMENT. The treatment of section 757.05 (1) (a) and (2) (a)  
19 of the statutes first applies to penalty assessments imposed on the effective date of  
20 this subsection.”.

21           **67.** Page 1822, line 7: after that line insert:

for violations that occur

1           “(1c) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM GRANTS. The repeal of  
2       sections 20.455 (2) (kh) and 20.505 (6) (j) 16. of the statutes takes effect on July 1,  
3       2002.”.

4                               (END)

LFB:.....Onsager – Penalty assessment

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144**

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 554, line 11: delete lines 11 to 19.

3           **2.** Page 555, line 25: after that line insert:

4           “**SECTION 770n.** 20.455 (2) (kh) of the statutes is created to read:

5           20.455 (2) (kh) *Automated fingerprint identification system grants.* The  
6           amounts in the schedule for grants to local law enforcement agencies under 2001  
7           Wisconsin Act .... (this act), section 9131 (2c), for automated fingerprint  
8           identification system work stations and for installation of Badgernet lines. All  
9           moneys transferred from the appropriation account under s. 20.505 (6) (j) 16. shall  
10          be credited to this appropriation account.

1           **SECTION 770p.** 20.455 (2) (kh) of the statutes, as created by 2001 Wisconsin Act  
2       .... (this act), is repealed.”.

3           **3.** Page 569, line 24: delete the material beginning with that line and ending  
4       with page 570, line 6, and substitute:

5           **“SECTION 852n.** 20.505 (6) (j) (intro.) of the statutes is amended to read:

6           20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys  
7       received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines  
8       and forfeitures and all moneys transferred under ~~1999 Wisconsin Act 9, sections~~  
9       ~~9201 (2m), (2n) and (2p), 9211 (2g), 9230 (1), (2m) and (3m), 9238 (1h) and 9239 (1h)~~  
10      ~~and (2h)~~ 2001 Wisconsin Act .... (this act), sections 9201 (6c) (a), (b), and (c), 9211 (2c),  
11      and 9240 (1c), for the purpose of transferring the following amounts to the following  
12      appropriation accounts.”.

13          **4.** Page 570, line 11: after that line insert:

14          **“SECTION 855n.** 20.505 (6) (j) 16. of the statutes is created to read:

15          20.505 (6) (j) 16. The amount transferred to s. 20.455 (2) (kh) shall be the  
16      amount in the schedule under s. 20.455 (2) (kh).

17          **SECTION 885p.** 20.505 (6) (j) 16. of the statutes, as created by 2001 Wisconsin  
18      Act 2001 Wisconsin Act .... (this act), is repealed.”.

19          **5.** Page 625, line 5: delete the material beginning with that line and ending  
20      with page 636, line 6.

21          **6.** Page 769, line 11: delete lines 11 to 14.

22          **7.** Page 896, line 6: delete the material beginning with “the amounts” and  
23      ending with “assessment,” on line 7.

1           **8.** Page 897, line 13: delete the material beginning with “the amounts” and  
2 ending with “assessment,” on line 14.

3           **9.** Page 901, line 5: delete the material beginning with “757.05, a” and ending  
4 with “165.87 (1),” on line 6 and substitute “757.05,”.

5           **10.** Page 901, line 18: delete the material beginning with “the law” and ending  
6 with “165.87 (1),” on line 19.

7           **11.** Page 902, line 1: delete the material beginning with “the law” and ending  
8 with “165.87 (1),” on line 2.

9           **12.** Page 902, line 16: delete “law enforcement training fund assessment,”.

10          **13.** Page 902, line 25: delete the material beginning with “the law” and ending  
11 with “165.87 (1),” on page 903, line 1.

12          **14.** Page 903, line 12: delete the material beginning with “the law” and ending  
13 with “165.87 (1),” on line 13.

14          **15.** Page 904, line 1: delete the material beginning with “a law” and ending  
15 with “fund assessment,” on line 2.

16          **16.** Page 904, line 6: delete “law enforcement training fund assessment,”.

17          **17.** Page 904, line 13: delete “law enforcement training fund assessment,”.

18          **18.** Page 904, line 23: delete “law enforcement training fund assessment,”.

19          **19.** Page 905, line 5: delete “law enforcement training fund assessment,”.

20          **20.** Page 905, line 11: delete the material beginning with “law” and ending  
21 with “training assessment,” on line 12.

1           **21.** Page 906, line 1: delete the material beginning with “the law” and ending  
2 with “165.87 (1),” on line 2.

3           **22.** Page 906, line 17: delete the material beginning with “757.05, the” and  
4 ending with “165.87 (1),” on line 18 and substitute “757.05,”.

5           **23.** Page 1086, line 23: delete the material beginning with that line and  
6 ending with page 1091, line 17.

7           **24.** Page 1332, line 15: delete the material beginning with that line and  
8 ending with page 1333, line 14.

9           **25.** Page 1548, line 8: delete the material beginning with that line and ending  
10 with page 1555, line 15.

11           **26.** Page 1556, line 10: delete “law enforcement training fund assessment,”.

12           **27.** Page 1628, line 6: delete “13%” and substitute “24%”.

13           **28.** Page 1629, line 4: delete lines 4 to 19 and substitute:

14           “**SECTION 3777n.** 757.05 (2) (a) of the statutes is amended to read:

15           757.05 (2) (a) *Law enforcement training fund.* ~~Twenty-seven fifty-fifths~~  
16 ~~Eleven twenty-fourths~~ of all moneys collected from penalty assessments under sub.  
17 (1) shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized  
18 in accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the  
19 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.  
20 20.455 (2) (jb), constitute the law enforcement training fund.”.

21           **29.** Page 1636, line 15: delete the material beginning with “the law” and  
22 ending with “165.87 (1),” on line 16.

23           **30.** Page 1636, line 24: delete “law enforcement training fund assessment,”.



1           **31.** Page 1637, line 9: delete the material beginning with “the law” and ending  
2 with “165.87 (1).” on line 10.

3           **32.** Page 1637, line 19: delete that line and substitute “s.757.05, the”.

4           **33.** Page 1638, line 8: delete the material beginning with “the law” and ending  
5 with “165.87 (1).” on line 9.

6           **34.** Page 1638, line 16: delete the material beginning with “the law” and  
7 ending with “165.87 (1).” on line 17.

8           **35.** Page 1639, line 4: delete the material beginning with “Law” and ending  
9 with “165.87 (1).” on line 5.

10          **36.** Page 1639, line 18: delete the material beginning with “Law” and ending  
11 with “165.87 (1).” on line 20.

12          **37.** Page 1640, line 9: delete the material beginning with “the law” and ending  
13 with “165.87 (1).” on line 10.

14          **38.** Page 1640, line 19: delete the material beginning with that line and  
15 ending with page 1647, line 5.

16          **39.** Page 1647, line 9: delete the material beginning with “law” and ending  
17 with “fund assessment.” on line 10.

18          **40.** Page 1647, line 21: delete the material beginning with “the law” and  
19 ending with “fund assessment.” on line 22.

20          **41.** Page 1648, line 5: delete the material beginning with “any law” and ending  
21 with “165.87 (1).” on line 6.

22          **42.** Page 1648, line 19: delete the material beginning with “any law” and  
23 ending with “165.87 (1).” on line 20.

1           **43.** Page 1649, line 11: delete the material beginning with “a law” and ending  
2 with “165.87 (1),” on line 12.

3           **44.** Page 1650, line 3: delete the material beginning with “the law” and ending  
4 with “165.87 (1),” on line 4.

5           **45.** Page 1650, line 17: delete the material beginning with “the law” and  
6 ending with “fund assessment,” on line 18.

7           **46.** Page 1651, line 7: delete the material beginning with “assessment, the”  
8 and ending with “fund assessment,” on line 8 and substitute “assessment,”.

9           **47.** Page 1651, line 13: delete the material beginning with “the law” and  
10 ending with “assessment, the jail” on line 14, and substitute “the jail”.

11           **48.** Page 1651, line 22: delete the material beginning with “law” and ending  
12 with “fund assessments,” on line 23.

13           **49.** Page 1652, line 5: delete “law enforcement training fund assessments,”.

14           **50.** Page 1652, line 14: delete the material beginning with “law” and ending  
15 with “165.87 (1),” on line 15.

16           **51.** Page 1653, line 14: delete lines 14 to 16.

17           **52.** Page 1653, line 20: delete lines 20 to 22.

18           **53.** Page 1673, line 3: delete lines 3 to 12.

19           **54.** Page 1678, line 8: delete lines 8 to 13.

20           **55.** Page 1705, line 15: delete lines 15 to 19.

21           **56.** Page 1711, line 9: delete that line and substitute “757.05, the”.

1           **57.** Page 1711, line 24: delete the material beginning with “assessment, the”  
2           and ending with “fund assessment,” on line 25 and substitute “assessment,”.

3           **58.** Page 1712, line 12: delete the material beginning with “assessment, the”  
4           and ending with “fund assessment,” on line 13 and substitute “assessment,”.

5           **59.** Page 1712, line 24: delete the material beginning with “shall then” and  
6           ending with “in full,” on line 25.

7           **60.** Page 1714, line 2: delete the material beginning with “law” and ending  
8           with “fund assessment,” on line 3.

9           **61.** Page 1714, line 14: delete “law enforcement training fund assessment,”.

10          **62.** Page 1753, line 9: after that line insert:

11           “(2c) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM GRANT. The department of  
12           justice may award automated fingerprint identification system grants to local law  
13           enforcement agencies in fiscal year 2001–02 from the appropriation under section  
14           20.455 (2) (kh) of the statutes. Local law enforcement agencies may use funds  
15           awarded under this subsection only for the purchase of automated fingerprint  
16           identification system work stations or to cover the cost of installing Badgernet lines  
17           for work stations. Each local law enforcement agency that receives a grant under  
18           this subsection shall enter into an agreement with the department of justice  
19           regarding the duties and obligations of the agency and of the department with  
20           respect to use of automated fingerprint identification system work stations and  
21           regarding use of, and access to, the state automated fingerprint identification system  
22           and to other criminal records databases. The department of justice shall establish  
23           grant eligibility standards and procedures for administering the grant program  
24           under this subsection.”.

**63.** Page 1786, line 2: after that line insert:

“(6c) ANTI-DRUG ENFORCEMENT PROGRAM.

(a) In fiscal year 2001–02, immediately before the transfer under section 20.505 (6) (j) 13. of the statutes to section 20.505 (6) (k) of the statutes, there is transferred from the appropriation account under section 20.505 (6) (k) of the statutes to the appropriation account under section 20.505 (6) (j) of the statutes an amount equal to 85% of the unencumbered balance in the appropriation account under section 20.505 (6) (k) of the statutes on June 30, 2001.

(b) In fiscal year 2001–02, immediately before the transfer under section 20.505 (6) (j) 3. of the statutes to section 20.505 (6) (kp) of the statutes, as affected by this act, there is transferred from the appropriation account under section 20.505 (6) (kp) of the statutes to the appropriation account under section 20.505 (6) (j) of the statutes an amount equal to 85% of the unencumbered balance in the appropriation account under section 20.505 (6) (kp) of the statutes on June 30, 2001.

(c) In fiscal year 2001–02, immediately before the transfer under section 20.505 (6) (j) 14. of the statutes to section 20.505 (6) (kt) of the statutes, there is transferred from the appropriation account under section 20.505 (6) (kt) of the statutes to the appropriation account under section 20.505 (6) (j) of the statutes an amount equal to 85% of the unencumbered balance in the appropriation account under section 20.505 (6) (kt) of the statutes on June 30, 2001.

(6d) OFFICE OF JUSTICE ASSISTANCE PENALTY ASSESSMENT MONEYS. There is transferred from the appropriation account under section 20.505 (6) (j) of the statutes to the general fund \$875,200 in fiscal year 2001–02.”.

**64.** Page 1788, line 16: after that line insert:

1           “(2c) VICTIM SERVICES AND PROGRAMS. In fiscal year 2001–02, immediately before  
2 the transfer under section 20.505 (6) (j) 5m. of the statutes to section 20.410 (1) (kh)  
3 of the statutes, there is transferred from the appropriation account under section  
4 20.410 (1) (kh) of the statutes to the appropriation account under section 20.505 (6)  
5 (j) of the statutes an amount equal to 85% of the unencumbered balance in the  
6 appropriation account under section 20.410 (1) (kh) of the statutes on June 30,  
7 2001.”.

8           **65.** Page 1791, line 7: after that line insert:

9           “(1c) ALCOHOL AND OTHER DRUG ABUSE PROGRAMS. In fiscal year 2001–02,  
10 immediately before the transfer under section 20.505 (6) (j) 5. of the statutes to  
11 section 20.255 (2) (kd) of the statutes, there is transferred from the appropriation  
12 account under section 20.255 (2) (kd) of the statutes to the appropriation account  
13 under section 20.505 (6) (j) of the statutes an amount equal to 85% of the  
14 unencumbered balance in the appropriation account under section 20.255 (2) (kd) of  
15 the statutes on June 30, 2001.”.

16           **66.** Page 1814, line 11: delete the material beginning with that line and  
17 ending with page 1815, line 3, and substitute:

18           “(4c) PENALTY ASSESSMENT. The treatment of section 757.05 (1) (a) and (2) (a)  
19 of the statutes first applies to penalty assessments imposed for violations that occur  
20 on the effective date of this subsection.”.

21           **67.** Page 1822, line 7: after that line insert:

1           “(1c) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM GRANTS. The repeal of  
2       sections 20.455 (2) (kh) and 20.505 (6) (j) 16. of the statutes takes effect on July 1,  
3       2002.”.

**4** **(END)**